

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellants: Jay S. Walker, Bruce	)	Group Art Unit: 3621
Schneier, Sanjay K. Jindal,	)	
Daniel E. Tedesco,	)	Examiner: ELISCA,
	)	Pierre
Application No.: 09/694191	)	
	)	<b>REPLY BRIEF</b>
Filed: October 23, 2000	)	
	)	Attorney Docket No.: 96-059-C1
For: METHOD AND DEVICE FOR	)	
GENERATING A SINGLE-	)	
USE FINANCIAL ACCOUNT	)	
NUMBER	)	
	)	
	)	
	)	
	)	

**BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Appellants submit this Reply Brief under 37 C.F.R. § 41.41 following the Examiner's 2nd Answer mailed March 28, 2008.

## REMARKS

### 1. **Introduction**

Appellants provide this Reply Brief following the Examiner's Second Answer mailed March 28, 2008. This Reply Brief supplements the Appeal Brief.

### 2. **Examiner's Clarifying Restatement of Grounds of Rejection**

Appellants and the Examiner agree on the Grounds of Rejection to be Reviewed on Appeal.

Appellants are grateful to the Examiner for, in the Examiner's Second Answer, conforming the discussion of the rejections to this understanding. Specifically, the Examiner's Second Answer consistently addresses only Claims 35-42 as rejected under Section 102(e) by Zampese, and addresses only Claims 15, 18, 26-32, and 34 as rejected under Section 103(a) in light of Zampese and Bezos.

### 3. **Remarks on Section 102(e) Rejections**

The Examiner's Second Answer appears to reiterate the identical grounds of rejection for Claims 35-42 as appeared in the Final Office Action.

The Examiner did not acknowledge Appellants' request (Appeal Brief, p. 21) to verify Appellants' understanding of the Examiner's findings. Nor does the Examiner's Second Answer provide any additional clarification of to what the Examiner was referring to as "purchasers code," or whether the Examiner is asserting that "account code 30" teaches the limitation of *single-use credit card number for use in place of an account number*.

The Examiner did not acknowledge Appellants' request (Appeal Brief, p. 21) to clarify how the Examiner was interpreting the cited portion of Zampese at Column 1, lines 20-35. The Examiner relies explicitly on that portion for the

recited limitation that the single-use credit card number has the same number of digits as the account number.

The Examiner does not appear to respond to any of Appellants' specific arguments that Zampese cannot teach a single-use credit card number (or credit card number for use only one time) that is for use in place of an account number and that has the same number of digits as the account number.

Appellants submitted that any asserted combination described in Zampese of the Zampese "account code 30" (e.g., 12345) and the "transaction code 32" (e.g., 6789), for example, as a "string," would necessarily (based on the description in Zampese) have a different number of digits than the "account code 30" alone. See Zampese, Column 3, line 60-63, line 66 to Column 4, line 2. The Examiner does not acknowledge this argument about the number of digits in the described combination that the Examiner relies upon in rejecting Claims 35-42.

Appellants submitted that Zampese does not, in the cited Column 1, lines 20-35 portion or otherwise, teach that the single-use credit card number has the same number of digits as the account number. The Examiner does not acknowledge this argument about the recited number of digits, and does not address the specific limitation in the Response to Arguments section (10).

#### **4. Remarks on Section 102(e) Rejections**

The Examiner's Second Answer appears to reiterate the identical grounds of rejection for Claims 15-18, 26-32, and 34 as appeared in the Final Office Action.

The Examiner did not acknowledge Appellants' request (Appeal Brief, p. 32) to clarify the modification of Zampese that the Examiner alleges would have been obvious in light of Bezos. Nor does the Examiner's Second Answer provide any response to Appellants' specific assertion that the cited references themselves

teach away from the proposed combination of the specific subject matter relied upon by the Examiner in making the rejection.

## **CONCLUSION**

With the Examiner's Second Answer, which reiterates the identical arguments of the Final Office Action and does not address any of Appellants' specific requests for clarification or acknowledge any of Appellants' specific arguments, the positions of the Office and of Appellants are clear and the record and rejections are ready for appeal.

For the reasons noted above and in the Appeal Brief, Appellants respectfully request that all of the Examiner's rejections be reversed.

Respectfully submitted,

May 28, 2008

Date

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